



IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

COMMERCIAL COURT

Before: Master Richard Davison

CL-2016-000151

Between:

LOUIS EMOVBIRA WILLIAMS

Claimant

- and -

(1) THE FEDERAL REPUBLIC OF NIGERIA

(2) THE ATTORNEY GENERAL OF THE FEDERAL GOVERNMENT OF NIGERIA

Defendants

- and -

(1) JP MORGAN CHASE BANK N.A. LONDON

(2) STANDARD CHARTERED BANK

Third Parties

- and -

CENTRAL BANK OF NIGERIA

Intervener

CONSENT ORDER

UPON the applications of the Claimant dated 16 July 2020 for third party debt orders (the "**TPDO Applications**") in respect of accounts held by the Intervener with (i) JP Morgan Chase NA London and (ii) Standard Chartered Bank (the "**JPM and SCB Accounts**")

AND UPON the Claimant obtaining interim third party debt orders in respect of the JPM and SCB Accounts on 17 July 2020 with final determination of the TPDO Applications listed for hearing on 7 October 2020



AND UPON the application of the Intervener dated 26 August 2020 for the Intervener to be joined as a party to the proceedings for the purpose of opposing the Claimant's TPDO Applications at the hearing listed for 7 October 2020 (the "**Intervener's Application**")

AND UPON the Claimant having withdrawn his TPDO Applications

AND UPON the Intervener having also agreed to withdraw the Intervener's Application on the basis that the Claimant pays the Intervener's costs of its application on the standard basis, to be assessed if not agreed

IT IS ORDERED BY CONSENT THAT:

1. The hearing listed for 7 October 2020 shall be vacated; and
2. The Claimant shall pay the Intervener's costs of its application, to be assessed if not agreed, on the standard basis.

Dated the this 6th day of October 2020

Service of the order

The court has provided a sealed copy of the order to the serving party: Bryan Cave Leighton Paisner LLP, solicitors for the Intervener, at Governor's House, 5 Laurence Pountney Hill, London EC4R OBR



Interim third party In the QBD Commercial Court Claim No
CL-2016-000151
debt order

Claimant **Louis Emovira Williams** CL-2016-000151
Defendant **The Federal Government of Nigeria**
Party **JP Morgan Chase Bank NA** **Third**

On the 17TH July 2020, Master Davison Considered the application of the Claimant ("the judgment creditor")

from which it appears:

- a) There is an amount owing by the Defendant ("the judgment debtor") under the order given on 9 November 2018 by Mrs Justice Moulder in claim no CL-2016-000151, and
- b) There is a debt due or accruing due by the third party to the judgment debtor

And the court orders that

1. The application will be heard at 16:00 p.m. on the 7TH October 2020 at the Commercial Court, Rolls Buildings, Fetter Lane London EC4 1NL when a Master will decide whether a final third party debt order should be made.

Final confirmation of the listing of this can be found on the Justice website <http://www.justice.gov.uk/guidance/courts-and-tribunals/courts/daily-court hearings.htm> at approximately 2p.m

2. Until that hearing the third party must not, unless the court orders otherwise, pay to the judgment debtor, or to any other person, any sum of money due or accruing due by the third party to the judgment debtor, except for any part of that sum which exceeds the total shown below.

Amount now owing under the judgment or order including interest

USD\$16,951,085

and Costs awarded

GBP£15,778

Court Fee
Costs of this application which may be
allowed to the judgment creditor

GBP£110

Total expressed in GBP sterling £13,576,756

This interim order does not authorise the third party to pay any money to the judgment creditor at this stage.

To
JP Morgan Chase Bank NA
society
25 Bank Street
family suffers
Canary Wharf
ordinary
London E14 5JP

Hardship

If the third party is a bank or building

and the judgment debtor or their

hardship through not being able to meet

living expenses as a result of not being able to withdraw money from the account, a court may make a hardship payment order allowing some money to be paid out. An application form (N244) can be obtained from any court office (see overleaf for further details)

Hardship payment orders

An application for a hardship payment order

May be made to:

Any county court where the interim third party debt Order was made to a county court; or

If the judge makes a hardship payment order the court will draw up an order which will be faxed to the appropriate bank of building society who will then be authorised to pay out the amount, or amounts, specified in the order.

The Royal Courts of Justice in London or to any District registry, where the interim third party debt Order was made by the High Court.

A fee may be payable for the application, but in certain Circumstances the applicant can apply for exemption Or remission of the fee. Court staff can provide further Details about remission and exemption and provide The necessary forms.

What the third party will do

If the third party is a bank of building society. It must Search for all accounts held solely by the judgment Debtor and, within 7 days of receiving this order, give details of them to the court and the judgment creditor stating whether it holds sufficient to cover the total shown and, if not, the amounts in them.

A bank or building society may deduct an Amount from any money held for the judgment debtor, for its expenses in complying with this order. This would be in addition to the total amount shown above.

The application should be made using Form N244. It must include details of the judgment creditor, the Court where the interim third party debt order was made, if different, and the claim number. The form must include evidence of the hardship caused by not being able to meet ordinary living expenses and must be accompanied by documentary evidence such as mortgage statements or rent book, wage or salary slips and bank statements proving the applicant's financial position. There will usually be a hearing.

If the third party is not a bank or building society and claims to owe the judgment debtor no money or less money than the total shown above, the third party must tell the court and the judgment creditor within 7 days of receiving this order

The Final order

If a final third party order is made at the hearing, it will require the third party to pay direct to the judgment creditor some or all of the money which the third party owes to

In cases of exceptional urgency, the court may agree to the judgment debtor. Deal with the application without notice being given to The judgment creditor. Details of why the application is exceptionally urgent and why it should be dealt with without notice to the creditor, should be set out in the application

PARTY DETAILS

The judgment creditor

Name: Louis Emovbira Williams
Address for service: Westbrook Law Ltd
35 New Broad Street
London
Postcode EC2M 1NH

The judgment Debtor

Name The Federal Government
of Nigeria
Address: Nigerian High Commission
9 Northumberland Avenue
Postcode: London WC2N 5BX

The Third party

Name: JP Morgan Chase Bank NA
Address for service: 25 Bank Street
Canary Wharf, London
Postcode E14 5JP

Application for third party debt order

High Court of Justice QBD
Commercial Court

CL-2016-000151

Fee Account no.

Appn. no.

Louis Emovbira Williams

Claimant

The Federal Government of Nigeria
The Federal Attorney General of Nigeria

Defendant

JP Morgan Chase Bank NA

Third Party

The [claimant] [defendant] ('the judgment creditor') applies for an order that the third party pay to the judgment creditor the debt which the third party owes to the [defendant] [claimant] ('the judgment debtor') (or so much of it as is necessary to discharge the amount owing under the judgment or order given on 9th November 20 18 [by the Commercial Court in claim no. CL 2016-000151] and the costs of this application).

1. Judgment debtor

The judgment debtor is The Federal Government of Nigeria
whose address is

Radio House, Herbert Macaulay Way South, Area 10, PMB 247, Garki, Abuja,
Nigeria

Postcode

2. Judgment debt

The judgment or order required the judgment debtor to pay £13,950 + USD14,986,790 (including any costs and interest). The amount now due is £15778 + \$1695108 [which includes further interest].

☐ £ of the instalments due under the judgment or order has fallen due and remains unpaid.

PAYMENT TO CLAIMANTS ACCOUNT
SANTANDER 09-01-27 18817269

☒ The judgment or order did not provide for payment by instalments.

3. Third party

The third party is within England and Wales and owes money to (or holds money to the credit of) the judgment debtor.

The third party is a bank or building society.

Its name is JP Morgan Chase Bank NA

Its head office address in England and Wales is:

25 Bank Street, Canary Wharf, London E14 5JP

The branch at which the account is held is

☐ not known

☒ the 25 Bank Street, Canary Wharf, London E14 5JP
whose address is

The account number is

☐ not known

☐

The sort code is

☒ not known

☐

[The third party is not a bank or building society]

☐ the third party is

whose address in England and Wales is

4. Other persons' interests

The persons (in addition to the judgment debtor) who have a claim to the money owed by the third party are

☒ None

☐ The following: (names and address(es))

Information known about each person's claim:

5. Sources and grounds of information

The judgment creditor knows or believes that the information in section 3 and 4 is correct because:

JP Morgan Chase NA have been conducting banking activities from its London office for the Central Bank of Nigeria which is the holder of all bank accounts for the Judgment Debtor for many years

6. Other applications

In respect of the judgment debt,

☐ the judgment creditor has made no other applications for third party debt orders.

☒ the judgment creditor has already made the following application(s) for third party debt order:

Details of application(s) made at same time against Standard Chartered Bank

Third party's name Standard Chartered Bank

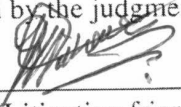
Address 1 Basinghall Avenue, London EC2V 5DD

Postcode EC2V 5DD

Statement of Truth

*I believe (the judgment creditor believes) that the facts stated in this application form are true.

*I am duly authorised by the judgment creditor to sign this statement

signed  date 10/7/2020

*(Judgment creditor)(Litigation friend (where judgment creditor is a child or a patient))(Judgment creditor's solicitor)

*delete as appropriate

Full name Dr. Louis Emovbira Williams

Name of judgment creditor's solicitor's firm _____

position or office held _____ (if signing on behalf of a firm or company)

Judgment creditor's or
judgment creditor's
solicitor's address to
which documents
should be sent.

Dr L.E. Williams
1st Floor, 1 St Andrew's Hill
London EC4V 5BY

Postcode EC4V 5BY

if applicable

Ref. no.	
fax no.	
DX no.	
e-mail	
Tel. no.	07768303442

Interim third party debt order

Louis Emovbira Williams

Claimant

The Federal Government of Nigeria

Defendant

JP Morgan Chase Bank NA

Third Party

On 20²⁰, [Master] [District Judge]

considered the application of the [claimant] [defendant] ('the judgment creditor'),
from which it appears:



- a) there is an amount owing by the [claimant] [defendant] ('the judgment debtor') under
the judgment or order given on 9 November 20¹⁸ [by the Mrs Justice Moulder in
claim no. CL-2016-000151] and
- b) there is a debt due or accruing due by the third party to the judgment debtor

and the court orders that

1. The application will be heard at [a.m.][p.m.] on 20
at Commercial Court, Rolls Buildings Fetter Lane, London EC4 when a judge will decide whether a final third party
debt order should be made.
2. Until that hearing the third party must not, unless the court orders otherwise, pay to the judgment debtor, or to
any other person, any sum of money due or accruing due by the third party to the judgment debtor, except for
any part of that sum which exceeds the total shown below.

Amount now owing under the judgment or order including any costs and interest	<i>U.S. Dollars</i> \$ 16,951,085
Court fee	<i>and costs</i> £ 15,778
Costs of this application which may be allowed to the judgment creditor	<i>Court fee.</i> £ 110
	£
Total	<u>£13,576,756</u>

This interim order does not authorise the third party to pay any money to the judgment creditor at this stage.

To

JP Morgan Chase Bank NA
25 Bank Street
Canary Wharf
London E14 5JP

Hardship

If the third party is a bank or building
society, and the judgment debtor or their family
suffers hardship through not being able to
meet ordinary living expenses as a result of
not being able to withdraw money from the
account, a court may make a hardship payment
order allowing some money to be paid out. An
application form (N244) can be obtained from

Hardship payment orders

An application for a hardship payment order may be made to:

- **any county court** where the interim third party debt order was made to a county court; or
- **the Royal Courts of Justice in London or to any district registry**, where the interim third party debt order was made by the High Court.

A fee may be payable for the application, but in certain circumstances, the applicant can apply for exemption or remission of the fee. Court staff can provide further details about remission and exemption and provide the necessary forms.

The application should be made using Form N244. It must include details of the judgment creditor, the court where the interim third party debt order was made, if different, and the claim number. The form must include evidence of the hardship caused by not being able to meet ordinary living expenses and must be accompanied by documentary evidence such as mortgage statements or rent book, wage or salary slips and bank statements proving the applicant's financial position. There will usually be a hearing.

In cases of exceptional urgency, the court may agree to deal with the application without notice being given to the judgment creditor. Details of why the application is exceptionally urgent and why it should be dealt with without notice to the creditor, should be set out in the application.

Party details

The judgment creditor

Name: Louis Emovbira Williams
Address for service: Westbrook Law Ltd
35 New Broad Street
London

Postcode: EC2M 1NH
reference: AS/SL
Telephone:

The third party

Name: JP Morgan Chase Bank NA
Address for service: 25 Bank Street
Canary Wharf
London

Postcode: E14 5JP
reference:

If the judge makes a hardship payment order, the court will draw up an order which will be faxed to the appropriate bank or building society who will then be authorised to pay out the amount, or amounts, specified in the order.

What the third party will do

If the third party **is a bank or building society**, it must search for all accounts held solely by the judgment debtor and, within 7 days of receiving this order, give details of them to the court and the judgment creditor, stating whether it holds sufficient to cover the total shown and, if not, the amounts in them.

A bank or building society may deduct an amount from any money held for the judgment debtor, for its expenses in complying with this order. This would be in addition to the total amount shown above.

If the third party **is not a bank or building society** and claims to owe the judgment debtor no money or less money than the total shown above, the third party must tell the court and the judgment creditor within 7 days of receiving this order.

The final order

If a final third party debt order is made at the hearing, it will require the third party to pay direct to the judgment creditor some or all of the money which the third party owes to the judgment debtor.

The judgment debtor

Name: Federal Government of Nigeria
Address: Nigerian High Commission
9 Northumberland Avenue
London

Postcode: WC2N 5BX
reference: High Commissioner
Telephone:

Banks and Building Societies

The name and address of the branch:

Postcode

Sort code